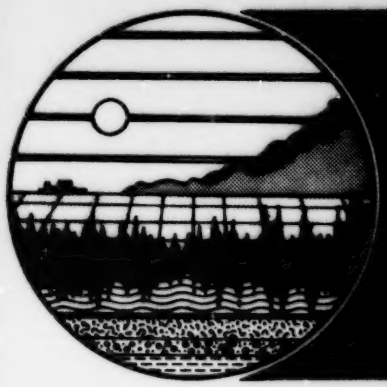

LANDS DIRECTORATE

DIRECTION GENERALE DES TERRES

AN OVERVIEW OF CROWN LAND MANAGEMENT IN CANADA

WORKING PAPER No. 27

Environment Canada Environnement Canada

Canada

An Overview of Crown Land Management in Canada

S.L. Macenko and V.P. Neimanis

August 1983

Land Policy and Research Branch
Lands Directorate
Environment Canada

Working Paper No. 27

Disponible en français sous le titre:

Aperçu général de la gestion des Terres
de la Couronne au Canada

Minister of Supply and Services, 1983
Cat. No. EN 73-4/27E
ISBN 0-662-12629-7

PREFACE

The federal and provincial governments of Canada collectively manage and administer almost 90% of the nation's 9.2 million square kilometres of land. Policies, mechanisms and procedures have developed separately to meet these responsibilities in accordance with the particular needs of the eleven senior governments.

As part of its mandate, Environment Canada is charged with the responsibility of undertaking research and providing advice on the nation's land resource. The Land Policy and Research Branch of Lands Directorate contributes substantially towards this departmental objective through a wide range of land use analyses, land planning and federal land research. It also represents Environment Canada on the Treasury Board Advisory Committee on Federal Land Management (TBAC/FLM), a Cabinet created Committee established in 1974 to oversee the federal government's land acquisition, use and disposal under the 1973 Federal Land Management (FLM) Principle.

In support of the foregoing departmental and interdepartmental roles, a preliminary review of the references and information sources relating to the management of Crown lands confirmed that inter-governmental awareness of policies, procedures and mechanisms was limited. As well, continuing requests for information on Crown lands illustrated the lack of distinction made by the public with respect to the responsibilities for Crown land management. Based on these findings, an overview of Crown land management in Canada was prepared to contribute to an improved understanding by governments and the Canadian public at large, of the management of the nation's Crown land resources.

ABSTRACT

The majority of land in Canada lies within the direct jurisdiction of federal or provincial authorities. This paper provides an overview of Crown land management practices in these eleven separate jurisdictions. The information presented originated primarily from a national survey. Each jurisdiction is separately described according to four main categories: administrative framework, operational procedures, specific transactions and information base. This overview study does not attempt to be definitive yet it does provide a new national compendium of information which was previously lacking.

ACKNOWLEDGEMENTS

The provincial information for Quebec was researched and prepared by Annick Le Hénaff. G.O. Lee, Chief, Federal Land Services Division was both an interviewee, as well as a final reviewer of this report. F. Filion, Canadian Wildlife Service and Lands Directorate staff provided information on survey design and questionnaire format.

Special thanks are due to Lucille Chénard who assisted in preparing much of the unseen typing to achieve this final report.

The authors would also like to recognize the invaluable assistance and patience of the many federal and provincial officials interviewed. Without their assistance, this survey and report would not have been possible.

TABLE OF CONTENTS

	Page
PREFACE	iii
ABSTRACT	v
ACKNOWLEDGEMENTS	vi
INTRODUCTION	1
Crown lands in Perspective	1
Approach	2
The Contacts	3
General Observations	6
PROVINCIAL AND FEDERAL SYSTEMS OF CROWN LAND MANAGEMENT	9
Alberta	11
British Columbia	17
Manitoba	21
New Brunswick	27
Newfoundland	35
Nova Scotia	41
Ontario	45
Prince Edward Island	49
Québec	53
Saskatchewan	57
Federal Government	63
SELECTED BIBLIOGRAPHY	75

INTRODUCTION

Since the vast majority of Canada's land base is Crown owned and managed by the respective federal or provincial jurisdictions, it is startling to discover that only limited information has been published regarding this vital area of management. Often, specific documentation on the mechanisms and means of management by provincial and federal jurisdictions is available only in legislation, government policies and procedural documents. Further information is not necessarily available from a single source nor comparable between jurisdictions. Most certainly, no single document systematically provides an overview of Crown land management in Canada. It is the latter situation that this report strives to address. To produce this general overview, much of the specific management detail had to be foregone, but hopefully the report will generate further awareness, and encourage information exchange.

CROWN LANDS IN PERSPECTIVE

The importance of Crown land in Canada is evident from their sheer magnitude, areal extent and key locations. Canada has a land area of some 9.2 million square kilometres, and "almost 90% of the surface of Canada is vested in the Crown, either in the right of the federal government or in the right of the provinces" (Cutler, 1975). The majority of federally-held land is concentrated in Yukon and the Northwest Territories, but its holdings are also distributed in each and every province of Canada. Expectedly, provincial Crown land is limited within each province's boundaries. The vast majority of each province's land base is under direct provincial management. Crown land areas perform vital ecological functions such as providing natural habitat to flora, fauna etc., and as well are used to fulfill economic demands posed by sectors such as forestry, agriculture, etc.

It is in the management context that the important role played by Crown lands becomes evident. This study seeks to sketch out the main participants involved, as well as to identify the principal management policies, processes and techniques established throughout the eleven distinct jurisdictions across Canada (10 provinces and the federal government).

APPROACH

In order to capture a national overview perspective, a series of standardized questions concerning land management practices were developed and pre-tested. Following successive amendments, a comprehensive telephone survey was conducted with each of the eleven jurisdictions.[1] All information was not necessarily available from a single respondent. Often, several individuals and even several different departments were contacted to secure such information. In fact, over twenty interviews were conducted for this report but always the standard questionnaire format was used.

After completion of the initial interview, the information volunteered was prepared and mailed to each respondent for verification; subsequent follow-up amended and verified its content. Once this process was successfully completed, the information, now verified, was reassembled by the eleven separate jurisdictions into a standardized summary format. Crown land management is described according to four main categories: administrative framework, operational procedures, specific transactions and information base. Such individual summaries are presented in detail in the section entitled - Provincial and Federal Systems of Crown Land Management.

1. due to ease of accessibility, the federal information was collected in person using the same standardized list of questions.

THE CONTACTS

The following departments were contacted to secure an overview of Crown land management within their specific area of jurisdiction.

Alberta:
Regional Planning Section
Resources and Evaluation Planning
Alberta Energy and Natural Resources
Petroleum Plaza
5th floor, North Tower
9945 - 108 Street
Edmonton, Alberta T5K 2C9

British Columbia:
Land Programs Branch
Ministry of Lands, Parks and Housing
1019 Wharf Street
Victoria, B.C. V8V 1X4

Manitoba:
Crown Lands Administration
Lands Branch
Department of Natural Resources
1495 St. James Street
Winnipeg, Manitoba R3H 0W9

New Brunswick:
Land Management Services Division
Lands Branch
Department of Natural Resources
Box 6000
Fredericton, N.B. E3B 5H1

Land Identification Section
Lands Branch
Department of Natural Resources
Box 6000
Frederiction, N.B. E3B 5H1

Policy, Planning Branch
Department of Natural Resources
P.O. Box 6000
Fredericton, N.B. E3B 5H1

Newfoundland:
Lands Branch
Department of Forestry and Agriculture
Howley Building
Higgins Line
St. John's, Newfoundland A1C 5T7

Nova Scotia:
Crown Lands Records Centre
Department of Lands and Forests
P.O. Box 345
Halifax, Nova Scotia B3J 3C8

Lands Branch
Department of Lands and Forests
P.O. Box 345
Halifax, Nova Scotia B3J 3C8

Ontario:

Public Lands Section
Department of Natural Resources
Room 6448
Whitney Block, Queen's Park
Toronto, Ontario M7A 1W3

Prince Edward Island:

Planning Division
Department of Highways and Public Works
P.O.Box 2000
Charlottetown, PEI C1A 5N8

Properties and Accommodation Section
Department of Highways and Public Works
P.O. Box 2000
Charlottetown, PEI C1A 5N8

Québec:

Division de la Direction des Biens
Immeubles Publics Excédentaires
Min. des Travaux Publics et de
l'Approvisionnement
475 St-Amable
5e étage
Québec (Québec) G1K 4X9

Secrétariat d'Etat à l'Aménagement
Conseil Exécutif
875 Grande Allée Est
Québec (Québec) G1R 4X9

Direction de la Gestion du Territoire
Ministère de l'Energie et des Ressources
200, Chemin Ste-Foy
8e étage
Québec (Québec) G1R 4X7

Saskatchewan:

Lands Branch
Saskatchewan Tourism & Renewable Resources
3rd Floor
3211 Albert Street
Regina, Saskatchewan S4S 5W6

Land Use Division
Department of Northern Saskatchewan
Resources Branch
McIntosh Mall
Box 3003
Prince Albert, Saskatchewan S6V 6G1

Lands Branch
Department of Agriculture
Walter Scott Building
3085 Albert Street
Regina, Saskatchewan S4S 0B1

Federal Government:

Chairman, TBAC/FLM
Treasury Board of Canada
Place Bell Canada
160 Elgin Street
Ottawa, Ontario K1A 0R5

Real Property and Construction
Administrative Policy Branch
Treasury Board of Canada
Place Bell Canada
160 Elgin Street
Ottawa, Ontario K1A 0R5

Property Development
Real Estate Services Directorate
Public Works Canada
Room B-417, Sir Charles Tupper Building
Riverside Drive
Ottawa, Ontario K1A 0M2

Federal Land Services Division
Lands Directorate
Environment Canada
351 St. Joseph Boulevard
Hull, Québec K1A 0E7

GENERAL OBSERVATIONS

This study was specifically designed to provide a general overview of Crown land management practices across Canada, and while it does not attempt to evaluate the range of techniques in place, it does provide a compendium of land management information throughout Canada.

Each jurisdiction's management, as well as operational nuances, are sufficiently diverse to limit the value of generalizations. Without indepth case studies, extensive analysis is not appropriate. Nevertheless some broad commonalities can be extracted. **These commonalities do <u>not</u> necessarily apply to <u>all</u> jurisdictions, so the reader is advised to consult the specific jurisdictional descriptions for details.**

Commonalities

- administration for Crown lands is distributed amongst several departments in each jurisdiction but usually one department has a dominant role

- advice on land management is provided by inter- or intra-departmental committees.

- committee memberships are usually formal but meetings are somewhat less formal, adopting a discussion format.

- public input in decision-making is directly or indirectly obtained in the land management process.

- ultimately, final decisions are at the discretion of the political structure (usually Cabinet).

- multiple departments are involved in acquisition, and usually one department

assumes a real estate agent role.

- the use of Crown land in accordance with land use policies, directives environmental impact reviews, and any regional plans is a primary concern.

- the use of acquired lands is usually monitored, although these lands do not consistently undergo a structured cyclic review for their improved use.

- lands identified by a department as being excess to their requirements are declared surplus and other departments are duly advised.

- surplus lands, not internally required, are made available for sale or lease.

- lands for the Crown may be purchased, expropriated, transferred, exchanged or leased, but market value purchase is the norm.

- municipalities may receive surplus lands at a nominal or reduced priced but with caveats attached as to their use.

- revenues derived from Crown lands most frequently revert to the general public treasury and not to the revenue generating department or agency.

- Crown land inventories may be administered centrally but require diverse input.

- most inventories are in, or are in the process of conversion to, automated or computerized formats which undergo periodic updates.

PROVINCIAL AND FEDERAL SYSTEMS OF CROWN LAND MANAGEMENT

The following sections provide a succinct overview of Crown land management for the eleven separate jurisdictions across Canada. These descriptions are based on interview information collected from each jurisdiction and appear in alphabetic order by province. The federal Crown land management process is described in the final section. Each jurisdiction is structured in a similar format to permit comparison. All sections are not necessarily equally balanced in their content or detail; their content is largely dependent upon the information derived from the interview process.

Each section is composed of four main categories: administrative framework, operational procedures, specific transactions (acquisition, use or change in use, disposal), and information base. The administrative framework identifies the principal Crown land administrators and their associated mandates. The operational procedures category briefly discusses how the administrators actually exercise their management functions. Operations of management reviewed include: the formality of decision-making, whether committees are established, the responsibilities and membership roles, the avenues for consultation and input, and the routing of any derived revenues. The specific transactions category addresses the procedures involved in the three principal types of transactions - those of acquisition, use or change in use, and disposal. The last section briefly examines the information base, i.e. whether data inventories on Crown land exist; who are the data administrators; what type of system is in place; and what kind of information details is recorded.

ALBERTA

Administrative Framework

The Alberta government owns and administers 416 000 km^2 which represents 63% of the province's land. Administration of these lands is primarily the responsibility of the Renewable Resources Section of Alberta Energy and Natural Resources. Although some departments such as Municipal Affairs, Agriculture and Transportation do administer small parcels of land, all departments have a voice in the planning and management of public lands.

The primary piece of legislation affecting the management of Alberta public lands is the Public Lands Act; however, more than 35 provincial Acts govern public land use.

"In recent years, the government has changed its approach to public lands decision making by turning to an integrated resource management concept. A chain of advisory, co-ordinative and consultative committees with members from both inside and outside government keeps the different agencies and interest groups informed of each other's moves."[1] This attitude represents a significant change from past philosophy where public land was viewed primarily as a revenue source for the province.

A Resource Integration Committee composed of members from Energy and Natural Resources, Recreation and Parks, Municipal Affairs, Environment, Agriculture, Tourism and Small Business, and other agencies which deal with public lands, reviews all matters carried out under integrated resource management. "This committee corresponds to a committee of assistant deputy ministers, which reports to a committee of deputy ministers which in turn, reports to cabinet, the ultimate decision-making body. The concept is used at the regional, sub-regional and local level when making policy."[2]

---

1. Jack Spearman, "Planning for the Future", Environment Views, Vol. 5, No. 5, September/October 1982, p. 18.
2. Ibid., p. 19.

The Resource Integration Committee is currently establishing planning priorities for Crown lands, and reviews land use projects on a plan-by-plan basis. As the Committee is in its infancy, large regions of the province are not included in an integrated management plan; however, development approvals now go through a similar process. The ultimate aim is to have integrated resource management plans in place for all Alberta public lands.

Operational Procedures

To facilitate the management and administration of Alberta public lands, the province, in 1948, created three colour-coded regions: (white, yellow and green) which incorporated the division between arable (white and yellow) and non-arable (green) land. The white area was arable land and represented the initially-settled southeastern and central region of the province. The yellow area, located in the Peace River district of northwestern Alberta, is also arable land, but in 1948, was largely unsettled and intended as homestead land for future agricultural expansion. The green area which covers 52% of the total area of the province was mainly non-settled forest lands intended at that time primarily as timber reserves.

As mentioned earlier, administration of public lands is primarily the responsibility of the Renewable Resources Section of Alberta Energy and Natural Resources. The section is composed of four divisions: Fish and Wildlife, Public Lands, Resource Evaluation and Planning and, the Alberta Forest Service.

"Fish and wildlife is responsible for managing these resources, not only on public lands but on private lands as well. The Public Lands Division administers the white and yellow areas. Resource Evaluation and Planning establishes future management plans for public lands while the Forest Service has the...task of administering the sprawling green area."[3]

---

3. Norma Ramage, "Public Lands: What are They?", Environment Views, Vol. 5, No. 5. September/October 1982, p. 7.

Significant revenue is derived from the use of provincial lands. In general, this revenue is directed to the provincial treasury and is not allocated to the "collecting agency".

One of the important principles of the current government approach to public land management is that the public should participate in decisions about public lands.

To invite public comment, the province has recently established the Alberta Integrated Planning Advisory Committee. The members include: the executive director of Resource and Evaluation Planning, Department of Energy and Natural Resources; the Wainwright MLA; and representatives from the Western Stock Growers Association, the Alberta Forest Products Association, Unifarm, the Alberta Wilderness Association, the Independent Petroleum Association of Canada and the Alberta Fish and Game Association. "As well, the province is currently working on more than a dozen sub-regional plans for public lands and representatives of the six groups also have an advisory role at that level."[4]

Another government agency which has an effect on decisions regarding public lands is the Environment Council of Alberta (ECA). Both extensive public hearings and a vehicle for research on environmental issues are provided by the Council. A Public Advisory Council composed of 120 members plus smaller advisory bodies on science and environmental education are attached to the ECA.

Specific Transactions

Acquisition

There are several mechanisms employed by the province to acquire provincial lands. These include: purchase, expropriation, transfer and

---

4. J. Spearman, "Planning for the Future", p. 19.

trades. The Land Assembly Division of Alberta Environment carries out the acquisition of lands for the Department of Energy and Natural Resources, Environment, Recreation and Parks, and Transportation.

Use/Change in Use

"The Resource Evaluation and Planning Division of Alberta Energy and Natural Resources is responsible for coordinating the development of integrated resource plans to facilitate the optimum use of public lands and resources in Alberta. The objective is to allocate lands to various resource uses to provide benefits to Albertans now and in the future."[5]

Integrated planning is conducted both at the broad regional level (as represented by A Policy for Resource Management of the Eastern Slopes) and also at more detailed management levels.

No structured system is in place to review the 'use' of provincial lands retained by a department. Allocation procedures occur in various areas of the province based on priorities.

Disposal

Applications for Crown lands are considered according to a variety of criteria. "Agricultural uses of public lands are confined nearly exclusively to the white and yellow areas of the Province. Livestock grazing, however, may be permitted in the green area."[6] To apply for agricultural land uses, eligible individuals must be 18 years of age and Canadian citizens. "Canadian corporations where a specified majority of shares are owned by Canadian citizens are also eligible for certain agricultural dispositions."[7]

---

5. Alberta Energy and Natural Resources, Public Lands Division, Alberta Public Lands, (Edmonton, Alberta; March, 1981), p. 26.
6. Ibid., p. 7.
7. Ibid.

Subsequent to the submission of an application, on-site inspection may be conducted by an agrologist to determine the land's suitability for the proposed purpose. Evaluation procedures are then carried out by the Public Lands Division. "Based on this evaluation, suitable land is then posted (advertised) normally for a period of 30 days so that eligible interested parties, particularly those residing in the immediate vicinity of the land, have the opportunity to apply. Posting notices are mailed to people who own land within two miles of the subject land and to people who have expressed an interest in the land".[8]

Following the close of the posting period, applicants are interviewed to confirm information regarding the application. After an interim award is made a 30 day appeal period exists. All appeals are submitted to a local Agricultural Development Committee. This committee is composed of two or three local farmers, a business community representative and local government employees from the federal, provincial and municipal levels. Committee recommendations are forwarded to the Department for a final decision.

Land dispositions for agricultural use include: homestead sales, farm development sales, farm development leases, cultivation permits, grazing leases, grazing association leases (community pastures), grazing permits, headtax grazing permits and, hay permits.

Applications for non-agricultural land uses, such as, residential, recreational, commercial or industrial purposes are accepted "from individuals who are Canadian citizens or from corporations which have seventy-five percent Canadian ownership - unless otherwise authorized by order-in-council."[9]

---

8. Ibid.
9. Ibid., p. 14.

However, seventy-five percent Canadian ownership is not required for those corporations submitting applications for surface dispositions for resource extraction purposes.

Circulation of notice regarding lands for recreational cottage or commercial purposes is accomplished by posting notices at district or regional offices, through newspaper advertising and by sending notices to individuals who have previously expressed interest in the land. A draw procedure is utilized when more than one application is received for a cottage lot.

Proposals for major commercial recreational developments are evaluated inter-departmentally to determine application feasibility.

Information Base

In Alberta, a record of real property is maintained by Public Works and an inventory of public lands is recorded by Energy and Natural Resources. Portions of the province are designated as Special Areas, which are public lands controlled by the Special Area's Board, Municipal Affairs. The inventory of public lands essentially details the status and availability of public land, for example, whether the land is under disposition, reserved for a specific purpose, subject to land use restrictions, is vacant or available for application for a specific purpose. This record is updated on a daily basis.

BRITISH COLUMBIA

Administrative Framework

Primary agencies responsible for Crown land administration in British Columbia are: the Ministry of Lands, Parks and Housing, Ministry of Forests, Ministry of Agriculture and Food and Ministry of Energy, Mines and Petroleum Resources.

The central review agency for land transactions in British Columbia is the Provincial Cabinet functioning through three Cabinet Committees: the Environment and Land Use Committee (ELUC), the Cabinet Committee on Economic Development (CCED), and Treasury Board. Occasionally, major long-range programs involving Crown land use may be referred to the Planning and Priorities Committee of Cabinet.

The initial allocation of Crown land occurs through the Ministry of Lands, Parks and Housing under policies approved by the Minister and possibly Cabinet Committee or Cabinet. Most land required for industrial purposes is conveyed to the B.C. Development Corporation which arranges the details of disposition under policy guidance from the CCED.

Ministers whose responsibilities bear on the land transactions under consideration form the Cabinet Committees concerned. They meet regularly to conduct formal review of referred matters, and to deal with related issues, usually to resolve land use conflicts, give direction on major land resource commitments, whether allocation or acquisition. Treasury Board involvement is primarily the scrutiny of land purchase transactions by the various Ministries of Government.

Cabinet Committees have minimal staff which are used mainly to schedule meetings, prepare agendas and advise of decisions or requests. Support work is performed by Ministries and Crown agencies. The Committees deal with representatives from outside of Government as well.

Operational Procedures

In addition to central review mechanisms there are interdepartmental mechanisms which support the Cabinet Committees including the advisory technical

committee of Deputy Ministers and the Regional Resource Management Committees (R.R.M.C.) which is a decentralized mechanism for coordinating agency interests in land transactions.

Management Agreements exist between and among Provincial Crown agencies to establish how their Crown land transactions will be conducted in order to minimize duplication of effort, conflicting actions and actions by one which pose problems for the others.

Also, each Ministry maintains an "Executive Committee" whose function is to coordinate the activities of the respective Ministry as they relate to fulfilling the Ministry mandate.

Membership of Executive Committees includes the Deputy Minister and Assistant Deputy Ministers. Deputies' Committees are composed of the Deputy Minister from agencies affected by land transactions. Regional Directors of resource Ministries form the membership of RRMC's. All of these committees attempt to reach decisions by consensus and meet regularly at scheduled intervals, usually on a weekly basis for Executive Committees and or a monthly basis for RRMC's. Meetings proceed according to an informal discussion format.

The majority of revenues received for use of Provincial lands accrue to general Provincial revenues from Crown land and timber and oil and gas dispositions administered by the relevant agencies.

Revenues from the Lands, Parks and Housing Ministry's developed lands flow to the Crown Land Fund but this departmental "retrieval" is the exception rather than the rule.

In British Columbia, there are a number of formal and informal means of receiving public input into Provincial land use decisions. As Crown land allocation planning progresses and planned disposition becomes the route for enabling land use, provisions for hearing and considering public opinion will continue to be built into the process.

Specific Transactions

Acquisition

The preferred acquisition of Provincial Crown lands is purchase at fair market value where private land is sought. If funds are lacking an equitable land exchange may be negotiated. Some Provincial Crown agencies have legislated powers of expropriation but these would be employed only in situations of extreme public need. The Land Act provides for the transfer of administration of Provincial Crown land to Provincial Ministries and other agencies. Other statutes also provide for such transfers for specific purposes. Resource Ministries acquire land out of the Provincial Crown land base through provisions of specific legislation.

Dispositions and reservations of Crown land to Provincial agencies are made on a first come - first served basis. If two agencies are interested in the same property at the same time, and neither has made a formal application to the Ministry of Lands, Parks and Housing, they are encouraged to reach a compromise before an application is made. If no compromise is forthcoming, the matter would pass through a structured sequence of referrals from ADMs to Deputy Ministers to ELUTC-ELUC with resolution attempted at each step along the way.

Ministries and agencies of the Crown, for the most part, negotiate their own private land acquisitions (purchases). There is no central purchasing agency for the Provincial Government as a whole. Most ministries or Crown agencies have an administrative unit which functions centrally for the agency in negotiating land purchases.

Use/Change in Use

Some provisions exist in British Columbia for the review of lands retained by Provincial agencies. For example, reserves established over Crown land in favour of a Provincial agency are reviewed at 5-year intervals. Forest reserve boundaries are also systematically reviewed at five year intervals. Access to the results of these reviews is not restricted.

Disposal

The Ministry of Lands, Parks and Housing acts as an agent for other ministries where the disposition of Crown land is involved or for land exchanges involving Provincial Crown land.

Dispositions of Crown land to local authorities may be either by sale, or lease, or in some cases, by free Crown Grant where the land is required for non-profit general public purposes, such as a fire hall site, or park. Crown land which is to be used for public oriented purposes is normally disposed of at nominal price. Crown lands to be used for private purposes are disposed at market value price. In the future, when the Crown Land Titles inventory is in place, Provincial Crown agencies will be supplied annually with a listing of registered Crown lots which are in public ownership and surplus to the needs of Provincial agencies.

Information Base

There exists no central inventory of provincial Crown lands per se. However, a system of reference maps is maintained by the Ministry of Lands, Parks and Housing from which the status of all Provincial land (privately-owned, vacant, resource-tenured, reserved, other) can be derived through referenced records.

The maps are currently in hard copy format although an automated mapping system is currently being implemented using the Interactive Graphic Display System. An automated record of selected attributes for lots in the primary lot survey of British Columbia also exists.

Details regarding the general land status which are recorded include: survey information, file and record references, private vs. public ownership, location of easements/rights-of-way, areas under reserve and purpose, and resource allocations. Updating of this system is conducted on a continuous basis.

Development of a Crown Land Titles Inventory has been approved by Cabinet; implementation is now being initiated.

MANITOBA

Administrative Structure

There are a number of mechanisms centralized within the Manitoba government which affect the management and administration of provincial Crown lands. These include: the Provincial Land Use Committee of Cabinet (PLUC), the Interdepartmental Planning Board (IPB), and the Crown Land Classification Committee (CLCC).

The Provincial Land Use Guidelines which have evolved over the past several years, represent the basic concepts on which both municipal and Crown land planning are based.

PLUC was established in 1975 and is composed of ministers from: Agriculture, Northern Affairs and Environmental Management, Municipal Affairs, Natural Resources, Highways and Transportation, and Energy and Mines. The general responsibilities of the Committee include: establishing and revising the Provincial Land Use Guidelines; resolving land use issues involving more than one department; assessing the land use/environmental impacts of some major projects; advising the Minister of Municipal Affairs on certain approval functions and; supervising the work of both the IPB and the CLCC.

The membership of the IPB consists of Deputy Ministers or their designates (equivalent staff) from approximately fourteen provincial departments and agencies all having a significant interest or role in land use planning. Appointed under the Planning Act, the IPB has responsibilities which include:

"1) Providing interdepartmental and inter-agency coordination regarding the development and implementation of land use policies and programs;
2) Providing an interdisciplinary context within which various land use proposals can be reviewed and adjusted before being recommended to PLUC;
3) Providing one point of contact for municipalities, utilities, private developers etc. when they are developing plans or projects which ultimately require provincial approval or review."

The CLCC which reports directly to PLUC consists of six members: three from Natural Resources, two from Agriculture and one from Municipal Affairs.

When this committee was established in December 1975, it was given two major guidelines. First, the Committee was to be responsible for ongoing development and recommendation of Crown land use policy in Agro-Manitoba. Secondly, agriculture was to be allowed some expansion into the parkland region and wildlife was to be given a degree of priority in Southwestern Manitoba. With the subsequent implementation of this second guideline, it has been superceded by a formal planning process and the review of classifications on a case-by-case basis.

In 1978, the CLCC was given a further guideline by PLUC. This guideline was to ensure a consultative review of Crown land classification maps with local councils. This guideline resulted not only in the formation of a consultative process with local authorities on Crown land but also in the establishment of a second Crown land planning process. This process results in the preparation of Provincial Crown Land Use Classification Plans which are initiated by the CLCC, reviewed by local planning boards and councils, IPB members and approved by the PLUC. It is the intent of the CLCC to prepare formal plans for all Planning Districts throughout the province.

The creation of Bloc Planning Committees in Manitoba was additionally the result of the CLCC determining a need for a system of interdepartmental regionalized planning committees.

Operational Procedures

The departmental line functions which relate to the administration of Crown lands include:

1) The Department of Agriculture Lands Section administers all agricultural leases and permits on Crown land in Manitoba.
2) The Department of Natural Resources, Lands Branch under the Crown Lands Act administers all non-agricultural land allocations in Manitoba including all land sales (both agricultural and non-agricultural).
3) The Parks Branch administers all designated Provincial Parklands.
4) Forestry and Wildlife control Crown lands in areas designated for forestry or wildlife use.

5) The Land Acquisition Branch, Department of Government Services acts for all of government in the purchase of lands and acts for both the Departments of Highways and Public Works in the disposition of lands.

The Resource Allocation Branch (RAB) of the Department of Natural Resources is responsible for adjudicating major resource conflicts within the Natural Resources area e.g. wildlife, forestry, parks, water, etc. The RAB refers all unresolved departmental resource conflicts to the Minister's office for direction.

Crown land is considered an asset in the province and the Lands Branch, Department of Natural Resources is regarded as a revenue generating branch. All monies received from land sales, leases, permits, etc. presently flow to general revenue.

The Department of Agriculture has a land development fund for improving agricultural Crown lands. This budget is recovered at the time of land sale or over the course of the leasehold.

All land allocations between interested and competing individuals are decided by line departments as long as the proposed use is acceptable. There is an appeal procedure to a citizen's committee both for land allocations, as between persons, and for land values set in the land purchase process through negotiations or expropriation.

In the southern portion of the province public input exists, as mentioned earlier, through the CLCC. Provincial plans are reviewed by local councils. At the present time, a program does not exist for the review of plans by the general public, eg., at a public meeting. Nonetheless, even for changes affecting the use of a very small piece of land within the organized portion of the province, the municipality would be contacted for their concerns.

Specific Transactions

Acquisition

The Land Acquisition Branch, Department of Government Services carries out all purchasing of land for the province and co-ordinates acquisitions on behalf of user departments. This Branch manages:

1) all land purchases for Government (by negotiation or expropriation) and for the disposition of surplus properties (include Highways purchase, Water Resources purchase, etc.)
2) all lands owned by the Province within city limits where the primary assets are buildings or chattels for Government use, eg., Parliament buildings.
3) lands surplus to their requirements are either sold or are transferred to the Lands Branch, Department of Natural Resources for ongoing administration and management.

The Agricultural Lands Protection Act (currently under review) only restricts foreign ownership of agricultural land. The Crown is not specifically bound by the Planning Act in the administration of Crown land but it does fairly consistently abide by the principles and requirements of the Act.

Use/Change in Use

Reviews of the use of Crown lands retained by departments are conducted systematically by CLCC and PLUC. The reviews are retained on Lands Branch files or respective Land Acquisition files with results available for interdepartmental use.

Disposal

The CLCC, due to its extensive role in Crown land planning, reviews and makes recommendations to the PLUC on both agricultural Crown land sales and on the suitability of Crown lands requested for exchange purposes. Most of the Crown lands currently reviewed are associated with the Local Government District Exchange Program.

All requests (except for minor or casual types of use) for the sale, lease or permit of Crown lands are circulated to all departments and agencies of government for approval of the intended land use (unless a detailed land use plan is already in place). There is an "official" circulation list and certain persons within departments and agencies have been assigned to carry out this responsibility. There is a 20 working day time limit on all circulars unless an "official" extension is granted. These responses feed directly into CLCC, the Resource Allocation Unit (RAU) for departmental clearance.

Information Base

The Lands Branch of the Department of Natural Resources retains a registry of all the original Crown land dispositions. The Department of the Attorney General, Land Titles Office (LTO) maintains the record of all land transactions after the initial patent has been issued as well as any registration filed against Crown lands since the establishment of the LTO system. It operates under the authority of the Real Property Act and the Registry Act.

The Lands Branch registry is in the early stages of being computerized. It is supplemented by the individual land files which are stored on microfiche.

The registry includes a historic record of all lands patented as well as a current record of existing Crown land commitments through lease, permits, easement, etc. The registry also shows the legal description of the land, type of original patent (eg., homestead, half-breed scrip, sale), acreage dispositions, etc. Information is updated on a daily basis.

NEW BRUNSWICK

Administrative Framework

In New Brunswick, 45% of the total land base is government owned. The majority of these lands are Crown lands under the jurisdiction and administration of the Minister of Natural Resources. The Department of Natural Resources (DNR) is essentially interested in the development of Crown lands for natural resource development purposes.

All other lands, such as lands under the jurisdiction of the Minister of Supply and Services or other departments are called government or provincial lands. In general, if a building is or will be associated with a property, it is administered by the Department of Supply and Services. If the parcel is vacant, other departments may administer it for themselves.

Departments in addition to Supply and Services which have legal authority to administer provincial lands are: Agriculture and Rural Development, Tourism, Transportation, Commerce and Development, Education, Health, Municipal Affairs and Justice.

Other government agencies having the power to own and control lands are: New Brunswick Electric Power Commission, Community Improvement Corporation, New Brunswick Housing Corporation, New Brunswick Liquor Commission, New Brunswick Community College and Workmen's Compensation Board.

The principal piece of legislation affecting the management of New Brunswick Crown lands is the Crown Lands and Forests Act which was proclaimed on April 1, 1982. Other legislation affecting Crown lands which is administered by the Department of Natural Resources is: the Mining Act, Quarriable Substances Act, Surveys Act and the Forest Fires Act.

The primary objective of the new Crown Lands and Forests Act is "to provide for the development, utilization, protection and integrated management of the resources on Crown land".[1]

Operational Procedures

For the acquisition, disposal and leasing of New Brunswick Crown lands, a regional system consisting of five regions is utilized by the Province.

Each application is reviewed at both the regional level and subsequently by the Land Management Section of the Crown Lands Branch, DNR. Within the Land Management Section, each application is reviewed by the Land Use Committee members. This committee only convenes if the proposed transaction involves a complex situation or previous consensus on the matter cannot be reached.

All transactions involving a lease agreement are reviewed by the interdepartmental Land Management Advisory Committee (LMAC). The following departments and agencies are members of this committee: Department of Environment; Department of Transportation; Department of Tourism; a DNR regional representative; Mineral Development Branch, DNR; Forest Extension Branch, DNR; Fish and Wildlife Branch, DNR. This committee which meets on a monthly basis is chaired by the Crown Lands Branch of DNR. Information and recommendations from the LMAC are forwarded to the Land Management Section for a recommendation on the proposed lease application.

A recommendation on all land transactions under the Crown Lands and Forest Act is made to the Director of Crown Lands by the Land Management Section. If a proposal is approved at this level, a memorandum is submitted to Cabinet for final approval.

---

1. Arbex Forest Development Co. Ltd., Review of the Land Use Implications of Provincial Forestry Legislation, Policies and Programs, prepared for Lands Directorate, Environment Canada, Ottawa, March 31, 1982, p. 101.

Revenues from New Brunswick Crown lands are retrieved in the form of forest and mineral resource royalties, rents from land leases and through the market value sale or exchange of lands. These monies all return to the Central Revenue.

Public input regarding the use of Crown lands is generally sought on an informal basis. For example, when formulating the leasing policy, groups who had expressed interest in leasing Crown lands were contacted, such as agricultural groups, maple sugar producers, private woodlot owners and Christmas tree producers. Considerable public input was also generated through the Woodlot Resource study. Approximately 35 000 woodlot owners were contacted over 30% of which responded to the study.

Specific Transactions

Acquisition

The Department of Natural Resources will only dispose of and acquire lands to:

1) Reduce administration, protection and production costs associated with integrated resource management, and
2) Provide appropriate lands for social, economic and environmental benefits.

The means of acquisition utilized by the Department of Natural Resources are: direct purchase, exchange, transfer of administration and control between agencies, gift, abandonment of lands, expropriation and purchase through tax sale.

"The Department of Natural Resources may acquire lands which meet any of the following criteria:

(a) Having 50% or more of boundary in common with Crown lands.
(b) Bordering on Crown lands and utilizing boundaries not requiring periodic maintenance (roads, rivers, etc.) where their acquisition results in reduced boundary line maintenance.

(c) Adjoining other freehold lands located within a major block of Crown land such that their acquisition will lead to future consolidation of land units (ie., nucleus areas).

(d) Being necessary for access to Crown land or water based resources.

(e) Being required for land or water based recreation programs, eg., angling waters, waterfowl habitat.

(f) Being required for specific projects relating to resource management, eg., seed orchards, demonstration woodlots, rifle ranges, sugar woods.

(g) Having environmental or ecological importance.

(h) Having unique or significant characteristics which will enhance long term resource planning and management, eg., gravel deposits, sugar woods.

(i) Having a unique characteristic which warrants acquisition for a social, economic or environmental benefit."[2]

Use/Change in Use

In June 1981. the Deputy Minister's Committee on Economic Development appointed a sub-committee of four Deputy Ministers (Municipal Affairs, Environment, Agriculture and Natural Resources) to establish a Land Use Policy Task Force. Appointments to the task force were made in September 1981 with the responsibility of recommending a Land Use Policy for New Brunswick. The policy is to be all-inclusive affecting both Crown and privately owned lands.

Examples of existing and potential conflicts which underly the need for this policy include: the critical situation in New Brunswick forests, conflicts between highway construction and deer yards, building of new industrial development, and current 'inter-community conflict' regarding a waste disposal site near Fredericton.

Crown lands have already been addressed by the new Crown Lands and Forests Act which placed most of the responsibility for management, eg., wildlife, environmental protection, on the licencee. Through the new Land Use Policy, the Task Force is attempting to both improve productivity and resolve conflicts.

---

2. Crown Land Branch, Department of Natural Resources, personal communication, December 1982.

Since Fall 1981, the task force has been working full time. An initial report identifying 37 issues and opportunities has been accepted by the Deputy Minister's Committee and a draft policy has since been submitted.

Disposal

New Brunswick Crown lands can be disposed of by the following methods: direct sale to Crown agencies or municipalities, public auction, adverse possession, land exchange, transfer of administration and control, discontinuance of reserves, and colonization grants already earned.

Disposal criteria utilized by the Department of Natural Resources are as follows:

"1. The Department of Natural Resources shall dispose of Crown lands where a valid claim of adverse possession is proven or where colonization grants have been legally earned but have never been issued.

2. The Department of Natural Resources may dispose of Crown lands which fall into any of the following categories:

(a) Crown Lands surrounded by freehold lands, or Crown Lands projecting into freehold lands when their disposal will not significantly reduce the overall acreage of the remaining Crown block. To be eligible for disposal, such lands must be relatively unimportant to the Crown for:

(i) land and water based recreation activities;
(ii) access;
(iii) ecological or environmental protection;
(iv) social benefits and/or
(v) resource development

(b) Crown Lands in exchange for freehold lands of greater resource value to the Crown.

(c) Crown Lands that have significant potential for intensive resource management but which would only be developed by an owner other than the Department of Natural Resources."[3]

Prior to the disposal of a property, a data sheet of information on that particular piece of land would normally be prepared. The data sheet would be circulated to agencies who could potentially be interested in the property, e.g., Supply and Services, Transportation, Municipal Affairs. As earlier noted the disposition of lands is subject to the Lands Branch review process which also includes the circulation of a proposed transaction to other agencies for input. Agencies have a ten-day period in which to forward comments.

All Crown land is disposed at market value except to municipalities where sales are subsidized. It should be noted than non-resident ownership controls are not present in the province of New Brunswick.

Market value is determined by an analysis of the sales of comparable properties on the open market. The use of an internal or independent appraiser is dependent on the type of land activity involved. In the case of a land exchange where freehold land is being acquired by the department in exchange for Crown land, an independent (fee) appraiser would be hired by both parties. Both parties subsequently comment on the appraisal report and pay half the cost of the appraisal service.

If the transaction is totally internal, such as a lease of Crown land, then an internal appraiser would usually determine market value. Similarly, for the acquisition of Crown Lands by the Branch, an internal appraiser would usually be used (depending on work load, some internal appraisals may be contracted to fee appraisers).

---

3. Crown Lands Branch, Department of National Resources, personal communication, December 1982.

Land leases (distinct from leases involving mineral or forest resources) are provided for a maximum of ten years although re-negotiation for a longer period can occur.

A percentage of market value is charged annually for the lease of Crown lands. For all lease categories except Community Services and Institutions, 10% of market value is charged. Community Services and Institutions are charged a subsidized rent of 3%.

Presently 4850 hectares (12 000 acres) of Crown land are under lease for non-mineral and non-fibre forestry uses. Prior to a site being leased, the lessee is required to submit a site development plan outlining how the lessee will develop, use, maintain and/or rehabilitate the leased land. This measure is undertaken to both control development under a lease and to establish criteria to evaluate the performance of a lessee. Failure to comply with the site development plan may result in cancellation of the lease. All leases must be surveyed by the lessee at his expense and must be removed from Crown Timber License. New leasing regulations under the Crown Lands and Forests Act are currently being formulated.

Information Base

The Provincial Properties Data Centre was set up within the Crown Lands Branch of the Department of Natural Resources primarily to inventory and maintain an up-to-date record of all departmentally controlled lands (distinct from vacant or ungranted Crown and freehold lands). Within the last three years the Branch assumed the responsibility to inventory all provincially-controlled lands.

The Crown Lands Branch has compiled 167 plans at a scale of approximately 1:31 000. These cadastral maps show a breakdown of the Province into Crown and Freehold lands, and represent the primary as opposed to the present day parcel breakdown. The present day parcel breakdown is shown on the property maps prepared by the Land Registration and Information Services (LRIS). The property mapping project is in progress with less than 50% of the Province completed.

All inventory materials are currently in hard copy although draft proposals for automation of the inventory are presently being formulated.

Updates of conveyances of Crown land or of freehold to Crown are done immediately on hardcopy. These updates also indicate references to the pertinent documents and files on record.

NEWFOUNDLAND

Administrative Str

The present La. Branch of the Department of Forest Resources and Lands is based upon an organizational chart approved in principle by Cabinet in 1974. The co-ordination and integration of all Crown land planning activities within the Province is a primary function of the Branch.

Approximately fifteen government agencies have responsibilities for either managing, planning or designating land in the province for various uses. In order to formalize and ensure consultation between provincial departments and agencies in matters which might affect either Crown or public lands, it has been proposed to expand the role of the existing Crown Lands Committee into an Interdepartmental Committee on Land Use. It is intended that this Committee would review general land use issues as opposed to site specific projects which are subject to the provincial environmental review and assessment process.

Where the Committee is unable to reach consensus on a given item, the matter would be referred to a Committee of Deputy Ministers for a decision. Only exceptional problems which could not be resolved at the Deputy Minister level would be referred to Cabinet.

The proposal is not designed or intended to interfere with the management responsibilities already assigned to various government agencies. Rather a primary objective behind the interdepartmental review process is to avoid or resolve potential land use conflicts early in the planning process before they become a major issue.

Although this proposal is still in the review stage, the composition of the Interdepartmental Land Use Committee and its function, as further detailed below, has been in place for approximately two years on an informal basis.

Operational Procedures

The Interdepartmental Land Use Committee is chaired by the Lands Branch. It is proposed that membership shall be open to any department or agency with a vested interest. The Committee at present includes

representatives from Lands, Agriculture, Environment, Health, Transportation, Mines, Forestry, Provincial Planning, Development Control Division and Parks. Representatives from the Wildlife Division, Executive Council (Resource Policy Committee) and Development do not presently sit on the Committee but have expressed an interest and will be included if, and when, the proposal is approved by Cabinet.

All activities affecting the use and management of provincial Crown lands must be reviewed by the Committee. However, it is currently a voluntary process. The Committee meets at the discretion of the Chairman who circulates both an agenda and related information prior to the meetings.

The Land Management Division of the Lands Branch is responsible for consolidating and integrating land use plans at a provincial, regional and sub-regional level as part of an overall land management strategy for the province.

Since its establishment in 1975, the Division's activities have focussed on identifying existing Government policy and guidelines, particularly as they related to the disposition and use of Crown land. Efforts have also been directed toward the co-ordination of land use planning activities carried out by various departments and agencies of government and addressing the issue of conflicting land use requirements.

Revenues associated with Crown lands in Newfoundland are derived from Park fees and through both forestry and mineral taxation. All of these revenues return to the public treasury.

No formal mechanism is employed in the province for seeking public input regarding the use of Crown lands. Applications involving properties within municipal boundaries, however, are not to be accepted by the Regional Lands Office until an assessment form is completed by the applicant and the municipal government concerned. On receipt of the form the Regional Lands Office determines whether to accept the application and proceed with referrals or not accept the application on the basis of the municipal recommendation.

Specific Transactions

Acquisition

The transfer or administration and control function (Crown to public) is carried out according to the provisions of Section 133 of the Crown Lands Act. In the acquisition of lands, provincial departments are bound by both the Urban and Rural Planning Act and the Development Areas (Lands) Act.

In an instance where two or more provincial departments were interested in acquiring the same property, the following steps would be undertaken to achieve solution: review; conflict identification, negotiation and (potentially) resolution; referral (if necessary) of outstanding conflict to the Deputy Ministers of the agencies involved; if conflict remains, referral to Cabinet. Conflicts of this nature are common place and are resolved through negotiation and compromise.

Use/Change in Use

In general, reviews are not conducted either by departments internally or by external mechanism of the 'use' of lands retained by a department. Regulations are being drafted under the Environmental Assessment Act which will provide a compulsory review of development projects and possible Environmental Impact Statements.

Disposal

In order to expedite processing of Crown land applications a decentralization procedure was implemented in August 1981. This procedure enables the four regional offices to review certain applications without referral to the Crown Lands Committee. In effect, the Regional Director appoints a Recommendation Committee including himself, the Regional Lands Supervisor and the Senior Lands Technician.

Crown land applications that have been recommended for refusal for "obvious and legitimate reasons"[1] (a general listing of circumstances is provided in the procedural document) may be immediately refused by the Regional Lands Supervisor. All other applications recommended for refusal must be referred to the Crown Lands Committee or the Assistant Deputy Minister according to standard procedure. Appeals to applications refused by the Supervisor of Lands are referred to the Crown Lands Committee by the Regional Office.

To assist in the formulation of recommendations as to the suitability of a unit of Crown land for a given purpose, the Land Management Division has devised the following primary objectives:

" 1. The proposed use will not conflict with other existing or potential land uses.
2. The resource base is capable of supporting the specific developments.
3. The site is unencumbered Crown land."

A Land Use Atlas has also been produced, representing a compilation of significant land management boundaries; as such the Atlas is a particularly significant document with respect to the first objective. By viewing the pattern of present land use relative to an application, regional staff may determine at a reconnaissance level, whether a proposed use would conflict with existing land use. The Atlas thus facilitates an immediate decision with respect to processing an application beyond Objective 1. Data regarding the second and third objectives are not provided by the Atlas. Updating of the Land Use Atlas is conducted on a monthly basis by the Land Management Division. A manual further provides general guidelines on subsequent referral of Crown land applications to other provincial agencies.

---

1. Newfoundland, Department of Forest Resources and Lands, "Decentralization of Application Review Process", internal document, Procedure 11, 81-08-17, p. 9.

Land for municipal subdivision and buildings is granted at no cost while land for parks is leased at no cost. Leases for individuals are granted at the following fixed rate: residential $50/year, cottage $50/year, agriculture $5/ha, and commercial property according to a formula which takes into account both proximity to an urban area and level of servicing.

Information Base

An inventory of Newfoundland's public lands is managed by the Department of Public Works and Services. It was developed following recognition five years ago that a need existed for this type of record. Unfortunately, departmental records needed to form the inventory have proven incomplete.

A Crown Lands Registry is maintained by the Department of Forest Resources and Lands which includes a record of leased and granted lands. Details recorded in the Crown land inventory include: property survey by registered land surveyor, purpose for which land was originally titled; legal description, plot plan, metes and bounds; lease requirements and lease updates.

The Crown land inventory is currently stored in hard copy format although a microfiche record is being developed. Updating of the inventory is conducted manually.

NOVA SCOTIA

Administrative Framework

In Nova Scotia, 25 to 28% of the total lands are Crown-owned. A major portion of these lands are administered by the Department of Lands and Forests according to the provisions of the Lands and Forests Act. Other departments and agencies which are major land holders include: Government Services, Transportation, Mines and Energy, Nova Scotia Housing Commission and the Nova Scotia Power Corporation.

Provincial departments operate under Order-in-Council; therefore, most land transactions are subject to Government Council approval. Crown corporations, such as the Nova Scotia Power Corporation, have a mandate to act independently and are responsible to their own board of directors.

Operational Procedures

Revenues associated with Crown lands in Nova Scotia are directed to the general revenue. These monies derive from campground user fees and revenues from lease agreements. The majority of lease agreements are held on lands administered by the Department of Lands and Forests.

Public input does play a role in the administration of Crown lands and has had a significant influence on the creation of provincial parks.

Specific Transactions

Acquisition

The Department of Lands and Forests acquires lands for all other provincial departments except Transportation and Government Services. Normally, the department does not acquire lands for Crown Corporations.

Provincial lands are acquired primarily by purchase although interdepartmental transfers do occur. Expropriation of lands is used only as a last resort.

Use/Change in Use

The Department of Lands and Forests has seven regional offices in addition to a number of district offices. Regional managers administer the

lands, and recommend both policy and programs for their regions. Administrative responsibilities include: prevention of trespass and illegal removal of products from the land; recommendations on timber cutting and management of the provincial parks system.

Disposal

The acquisition of Crown land in Nova Scotia is very restricted. As a rule, lands are not sold. Leases are available provided an industry can illustrate that a proposed use would be to the advantage of the province. Lands are currently leased for uses including agriculture, forestry (although mostly under license), and small campsites.

If a property is determined to be surplus to a department's needs, the Crown Lands Record Centre (a division of the Department of Lands and Forests) is notified. This information is then sent out to the other provincial departments. If a Department desires the land declared surplus, a letter is written to the Minister requesting the administration and control be transferred to them. If agreed upon, the Minister of the land-holding department writes a letter of agreement. If no other provincial departments express interest in the surplus property (dependent upon which department is the landholder) approval from Cabinet is then obtained to sell the property.

Provision does exist for a municipality to acquire Crown land; however, this does not occur on a regular basis. Disposals to a municipality may be for $1.00. For tender, the highest bid above a minimum set price would obtain the property. Market value price is generally established from the report of a private appraiser or a combination between private and government appraisers, eg., for a woodlot.

Information Base

The central inventory for provincially-owned lands in Nova Scotia is the Crown Lands Record Centre. The inventory records the land holdings of provincial departments and agencies plus those of Crown Corporations and Commissions.

Two systems are maintained by the Record Centre. A computer-based system (microprocessor/floppy disc) is used to store details regarding the land holdings, whereas all pertinent title documents are microfilmed and placed on a common microfilm jacket system. It is a combination jacket system showing both 35 and 16 mm film. Survey plans are normally filmed in the 35 mm mode.

Details recorded on the land data card include: geographical location; administering department or agency; nature of conveyance; date of purchase or transfer; total hectares purchased; total cost; cost per hectare; number and cost of structures; presence of structures on the property when purchased; land use code; access; water frontage; services available; and availability for disposal.

The inventory is updated on a daily basis. The Record Centre is not necessarily informed, however, if a new building is constructed. Consequently, the information available on the number and cost of structures does not necessarily reflect the current situation.

ONTARIO

Administrative Framework

In Ontario, approximately 88% of the Province's total land area is Crown or public land. This area consists of lands which have never been granted, and lands which have been purchased by the government from private sources and returned to the Crown. Land under water and dry land within 66 feet of the highwater mark is generally considered public, unless specifically included in a lease or other tenure document.

The jurisdiction for all provincial Crown land rests with the Land Management Branch of the Ministry of Natural Resources. The Branch administers both the Public Lands Act and the Mining Act, which provides the statutory authority for managing and disposing of rights in Crown lands. Provincial ministries and other levels of government which require provincial Crown land request it through the Ministry of Natural Resources. Transfer of administration and control is subsequently arranged by Order-in-Council.

Essentially there are no exemptions to these procedures. Under the Public Transportation and Highway Improvement Act, however, the Ministry of Transportation and Communication is empowered to assume control over land required to build a highway, patrol yard or some facility essential to the highway. That assumption does not become finalized until it is agreed to by the Ministry of Natural Resources.

In complying with provincial policies on environmental, resource production or social considerations, not every application will be acted upon.

Operational Procedures

The Land Management Branch gives direction to the eight regions and 47 districts which comprise the Ministry's field organization, and also provides advice to the Minister and senior management on land-related matters.

Policy formulation is conducted at the head office level while co-ordination and operational activities are carried out at the regional and district levels respectively.

Policies, take the form of policy directives and/or procedure directives. Policy directives require ratification by the Minister while procedure directives require the approval of the Executive Co-ordinator of the Lands and Waters Group.

The revenue from Crown land in Ontario goes into the Consolidated Revenue Fund. It is not allocated in terms of any particular branch or Ministry. Sources of provincial revenues associated with Crown lands include: camping and admission fees to Provincial parks, land-use permits, licences of occupation, leases, trapping license fees and timber revenues.

In the province of Ontario there is significant public input to the planning process. There is also public input to any proposed disposition of land; usually this occurs through the medium of the local elected government. A piece of land is not leased or sold within a municipality without consulting the local municipal government.

Specific Transactions

Acquisitions

Mechanisms utilized for the acquisition of provincial Crown lands include purchase, transfer by Order-in-Council and expropriation.

In a situation where more than one department expressed interest in acquiring a particular property, such departments would be informed that they were applying for the same property. Generally the matter would be resolved amongst the departments involved. If necessary, however, the issue could be taken to Cabinet.

Use/Change in Use

Unalienated Crown lands, i.e., those which have not been leased or sold, are subject to a constant and persuasive stewardship by the 47 district offices of the Ministry of Natural Resources. This stewardship role includes fire protection, over-use protection, and protection of timber from both insects and disease.

To ensure that an adequate land area is available for the variety of programs which require land, a comprehensive land-use planning program has been developed for the past six or seven years. Individual district plans identifying highest and best use were intended to be fully completed by the end of 1982.

Disposal

The Ministry of Natural Resources acts as an agent for unalienated provincial Crown lands while patented Crown lands are held in the name of the Ministry of Government Services.

Dispositions, or the granting of rights in Crown land, are made to individuals or corporations for purposes including cottaging, farming, commercial and industrial uses. As previously noted, the Crown land needs of provincial ministries and other governments are met through transfer of administration and control of the required sites by Order-in-Council.

Formal procedures for the circulation of notice regarding surplus properties are not present in Ontario. Disposition to private interests is generally triggered by one of two situations: 1) For example, if a Ministry developed a subdivision of cottage lots, then the availability of these lots would be advertised through the local media. 2) Individuals who wished to acquire a parcel of land for a given use, eg., cottaging, farming or for a commercial establishment, would submit an application for tenure to the district office closest to the site.

The province will dispose of lands to local municipalities by sale or lease. If the municipality wishes to acquire land for development and subsequent resale, the price set by the province would be at market value. If the land is to be used for municipal purposes however, it would be transferred at a nominal price. The transfer document would be conditional in that when the land was no longer required for the purpose stated, title would revert to the Crown.

Reduced price is a figure determined by policy while market value is established either by tender or auction (if there are several applicants) or by professional appraisal (either government or private real estate agent).

Information Base

In each of the field districts of the Ministry of Natural Resources there are fairly concise maps which delineate (on a district scale) Crown land versus privately owned land. Records of lands which have been granted, eg., by patent or by lease, are also maintained which include the copy of the original grant.

The records for unalienated Crown lands primarily indicate information regarding disposals, eg., date lease commenced and terminated. Grant in freehold is additionally inventoried, eg., reservation of timber or mining rights, right to construct roads, the date and other pertinent information for reservations released subsequent to the grant.

The records are currently in the process of being transferred to an automated system. To date, approximately one third of the lands records have been transferred from the manual system.

Updating of the records does not occur on a scheduled basis but takes place on a land transaction basis.

PRINCE EDWARD ISLAND

Administrative Framework

There are two agencies which have administrative responsibilities for provincial lands in Prince Edward Island: the Department of Highways and Public Works (HPW) and, the Prince Edward Island Land Development Corporation (LDC).

The Department of Highways and Public Works, when requested, purchases lands required for public use, such as highways, public works structures, and parks. In addition to administering these lands which are referred to as 'provincial permanent Crown properties', HPW also manages some of the lands which are owned by the Land Development Corporation.

The LDC, which is a Crown corporation, was structured under the Comprehensive Development Plan primarily for the acquisition of agricultural lands. Its mandate has subsequently expanded to enable the purchase of lands for other uses, such as recreation, fish and wildlife, and forestry.

The role of the LDC is one of both acquisition and management. The LDC will acquire a property for specific reasons and either transfer the management function to a provincial department or will lease/sell the lands to farmers for agricultural purposes.

Provincial legislation which affects the management of Crown lands includes: the Land Development Corporation Act, the Public Works Act and the PEI Lands Protection Act.

Operational Procedures

The structure of the LDC includes a board, which guides the Corporation, and a working committee which advises it. Corporation board members are general residents of Prince Edward Island who are appointed by the Executive Council. Stipulation also exists for representation from the provincial government.

The advisory committee which is referred to as the Land Leakage Committee reviews properties prior to their purchase by the Corporation and also assists in delineating the best use and management of lands following their

acquisition. Committee meetings are closed to the public and due to reductions in funding, the Committee's level of function has been reduced in the past few years.

Revenues associated with lands leased by the province are directed into the general revenue. Monies derived from leases of LDC lands return to the LDC general revenue for management purposes.

Formal public input regarding the use of Crown lands occurs through the activities of the Land Use Commission (refer to **Specific Transactions:** Use/Change in Use) and through Environmental Impact Studies.

Specific Transactions

Acquisitions

As noted earlier, HPW acquires lands needed for public use, such as highways, public works structures and parks. In addition, the LDC fulfills a land banking and exchange process.

The province normally acquires lands due to recognition of a requirement for land. Negotiation for ownership followed by a recommendation to the Minister and subsequent final approval by Executive Council is the general procedure followed.

Prince Edward Island has an Expropriation Act; however, it is rarely used to acquire provincial Crown Lands. In general, use of the Act has been limited to instances involving the widening of roads.

Use/Change in Use

According to the provisions of the Land Identification Program, all lands (both public and private) which are identified as agricultural must be retained for that use when ownership changes. In order to subdivide these lands, for example, if a small parcel was required for school purposes, a submission must be made to the Land Use Commission. The submission would be subject to a public hearing process prior to approval being granted.

The Land Use Commission rules on all lands in the province and as such affects both Crown and private lands. Under the Planning Act, a corporation, individual or the general public (within a given time frame) may appeal to the Land Use Commission regarding a change in land use approved by the government.

At various times the Land Use Commission has conducted reviews of lands being utilized, for example, for fish and wildlife, recreational, agriculture or forestry purposes. The Commission recently reviewed the policy on Crown owned forestry lands in the province.

As Prince Edward Island has the lowest per capita permanent properties for any province in Canada, good communication links are maintained between the Property Division of HPW and provincial departments regarding the use of these lands.

Disposal

Disposal of permanent Crown properties rarely occurs in Prince Edward Island. This may be associated with the relatively small proportion of these lands which are used for agricultural purposes. Crown lands are primarily utilized for forestry, fish and wildlife, dam sites and school purposes. In order to dispose of Crown properties (either by sale or by lease), Cabinet permission is required.

Disposals are generally carried out by public tender although under the Public Works Act, the Minister of Highways and Public Works, with the permission of Council can dispose of any lands.

The province will sell property to a local municipality if the demand and potential use exist for a given site. The general tendency is to lease rather then sell these properties.

The Lands Protection Act which was incorporated in 1982, governs the quantity of lands available for private ownership. Included in this Act is a clause regarding the sale of both private and Crown owned lands to individuals who do not reside in the province.

When a property is more than ten acres or, more than five chains of shorefront, a proposed non-PEI-resident sale requires the approval of both the Land Use Commission and Executive Council.

Information Base

Both the Land Development Corporation and the Department of Highways and Public Works maintain inventories of provincial lands. The latter inventory is a record of 'provincial permanent Crown properties', which Highways and Public Works has purchased on behalf of all departments of government. At present, the permanent government properties are recorded on an index card system which contains all correspondence and deeds pertaining to a particular parcel of Crown land. For each property, a parcel number, a lot number and the location of the site within postal districts (within a radius of 5 to 10 miles) is recorded.

QUEBEC

Administrative framework

Several departments have the responsibility for Crown land management in Québec. The bulk of the responsibility is shared between two departments - the ministère d'Energie et des Ressources (M.E.R.) manages the majority of public lands while the ministère de l'Environnement manages the lands forming the bed of rivers and lakes or lands along their banks.

Many parcels of land having agricultural capability are administered by the ministère de l'Agriculture, des Pêcheries et de l'Alimentation. Provincial parks both for conservation as well as recreation are administered by the ministère du Loisir, de la Chasse et de la Pêche. Land parcels bordering highways, are held and administered by the ministère des Transports. Finally, the ministère des Travaux Publics et de l'Approvisionnement (M.T.P.A.) manages buildings and real property in response to provincial departmental needs. These departments have the authority to make acquisitions. In addition to such authority, the M.T.P.A. acts as an agent on behalf of other departments in transactions involving real estate.

The role of monitoring of transactions is accomplished by a committee of the Executive Council which is the departmental committee on planning and regional development (COMPADR). Its role is to coordinate government policies and activities in the acquisition and disposal of public lands. This committee has been created a little more than four years ago (1978) and is a committee of Council of Ministers. It is chaired by the ministre à l'Aménagement et à la Décentralisation. Other members of the committee include the ministers of les Affaires Municipales, du Loisir, de la Chasse et de la Pêche and de l'Environnement.

Operational Procedures

Within the ministère de l'Energie et des Ressources the uses of public lands are analyzed and determined according to the government land management objectives. All demands regarding public land uses are sent to the M.E.R. This department usually consults administratively with other affected or interested departments. This informal interdepartmental consultation is important since it serves to give a better direction towards improved use and

acquisition of public lands. Similar mechanisms exist within the operational framework of the ministères de l'Environnement, and de l'Agriculture, des Pêcheries et de l'Alimentation. The determination of the use of public lands is strongly influenced by the public consultation process established by the Land Use Planning and Development Act, S.Q. 1979 c.51. Provisions in the Act stipulate that a regional county municipality (R.C.M.) must prepare a land use development plan which will reflect both municipal and departmental policies regarding use of the land. Such policies are forwarded to the Secrétariat à l'Aménagement who sends them to the ministère des Affaires Municipales. The latter forwards this pertinent information to the R.C.M. The R.C.M. responsibilities include the holding of public consultation meetings before the preparation of the land use development plan. It is at this stage that the public may offer its views on the uses of public lands.

All revenues generated by the use of real property and public holding is paid to the consolidated provincial fund managed by the ministère des Finances.

Conflicts between departments for the use of public land, are usually resolved by negotiation between parties. If the issue can not be settled by the parties involved, it is then referred to the COMPADR for resolution.

The COMPADR also looks after certain specific transactions by preparing draft orders which, after interdepartmental consultation, are finalized at the office of the departmental committee. This office ensures that the file is complete and conforms to existing laws and regulations. The file is then forwarded to the council of ministers, which vote on the transaction.

Specific Transactions

Acquisition

Provincial public land acquisition is accomplished through three departments: the ministère de l'Energie et des Ressources, le ministère des Travaux publics et de l'Approvisionnement and the ministère des Transports.

Acquisitions are made by agreement of purchase, by exchange, and when necessary, by expropriation. Prior to acquisition, public land is evaluated against criteria such as projected use, cost of land, and site characteristics.

Use/Change in Use

For a number of years, pressure on public lands has greatly increased mainly because of the increase in the types of users. In order to maintain an optimal use of public land on a short, mid and long-term basis, the M.E.R. has initiated an interdepartmental consultation process aimed at articulating management plans for public lands. These plans will represent a concensus between departments regarding the integration of their respective activities on public lands. They will specify, "a priori", in which area departments will be able to act, the forms of such actions and the coordination process that will integrate all such activities on public lands.

Disposal

It is possible for the Government of Québec to transfer parcels of public lands to individuals or corporations on the condition that the use of such lands be in conformity to the prescribed land use plans that have been prepared. The purchaser of public lands is expected to pay a reasonable price based on the real estate values as established through appraisals by the M.E.R.

The M.E.R. is responsible for management of use of lands of the public domain, granting of rights of ownership and rights. This authority can also be conferred to another department to such extent as may be provided by an act or government order. The ministères de l'Environnement, de l'Agriculture des Pêcheries et de l'Alimentation et des Transports may dispose of certain public lands under their jurisdiction.

The conditions regarding such concessions are described in the regulation entitled La Concession des terres publiques 1314-82, adopted under the Lands and Forest Act LRQ 1979 T-9.

The declaration of surplus properties is the responsibility of each department, whereas the responsibility for their disposal in the form of a sale or lease rests with the M.T.P.A.

Assessment of real estate is done through an assessment service of the M.T.P.A. and takes into consideration existing easements as well as the maintenance costs of building and related infrastructure services.

Information Base

Many departments contribute to the provincial property inventory. The M.E.R., as manager of large public holdings, has an index of all land transactions which are recorded in Le Terrier.

Le Terrier is a document dating back some 200 years, which contains an inventory of all transactions involving the rights of sale of public lands. It is composed of the main property registers plus a number of smaller, departmental registers. Characteristics recorded within the registers include sales, leases, services, rights-of-way, and transfers between jurisdictions. The latter includes internal transfers between provincial ministries as well as federal-provincial transfers of land.

Plans also exist which show ownership of parcels of land forming townships. These plans are based on initial land surveys. Each township has such a plan; some may also have a seignorial plan.

The system of recording land transactions on Crown land is under revision and a new automated system is actually being used on an experimental basis.

The ministère des Travaux publics et de l'Approvisionnement also has an inventory of structures and buildings used by the government. This inventory is automated. The type of information gathered varies but may include the land area, address, ground floor area, amount of floor space, occupying department and lot numbers. It is updated either monthly or bi-monthly.

Other departments such as the ministère des Transports, the ministère de l'Environnement and the ministère des Loisirs, de la Chasse et de la Pêche maintain their own registries of the public properties they manage.

SASKATCHEWAN

Administrative Framework

Three agencies have administrative responsibilities for Crown lands in Saskatchewan: Agriculture, Tourism and Renewable Resources, and the Department of Northern Saskatchewan.

Each of the departments operates under the Provincial Lands Act to administer a particular segment of provincial Crown land. Other provincial acts which affect the management of Saskatchewan Crown lands include: the Forest Act, the Wildlife Act, the Provincial Parks Act and the Land Surveys Act.

Agriculture administers approximately 2.8 million hectares (7 million acres), most of which is held under lease by individual farmers or is in community pastures administered by the province.

Saskatchewan Tourism and Renewable Resources is responsible for the management of provincial Crown lands maintained for recreation purposes such as provincial parks, picnic sites and campgrounds, plus lands designated as provincial forests.

The Department of Northern Saskatchewan administers programs for land and natural resource management in the Northern Administration District including agriculture, wildlife, mineral resources, and industrial development. With some exceptions, almost all land in the Northern Administration District is Crown land.

Operational Procedures

Any ongoing provincial expenditures, such as program requirements for Crown lands, come under annual review through the government budgeting process. If, and as new programs are developed which involve the acquisition of a large tract of land, (eg., to establish a community pasture), justification that such proposals are both in the government and public interest is required by Treasury Board. Environmental impact and social factors are two considerations assessed in this review.

Revenues associated with Saskatchewan Crown lands are derived from several sources including grazing and cultivation leases, cottage subdivisions and a number of special leases scattered throughout the province. Revenues accruing from rental fees for use of these lands are directed to the Consolidated Revenue.

Wildlife Development Fund lands, which are bought by imposts on hunting licences, are designated specifically for wildlife with limited agricultural uses occasionally permitted. Revenues associated with these lands are directed to the Wildlife Development Fund maintained by Tourism and Renewable Resources.

User fees from Provincial Parks are returned to the Parks Advance Account and are used strictly for operating the Parks.

Additional cost recovery is retrieved from recreational subdivisions which have been developed in recent years. An advance account is established within Tourism and Renewable Resources to provide funds for the development of a subdivision. Development costs are subsequently charged back to the individual lessee and these monies return to the advance account. Annual lease fees charged in recreational subdivisions are paid back into a trust fund (for that particular subdivision) and subsequently used to provide further services.

In the case of major changes in land use, such as the proposed National Grasslands Park, public input is sought through a hearing process. Normally, local communities are consulted regarding land dispositions and public meetings are held if, for example, boundary changes or changes to zoning plans in parks are proposed. In addition, public input is occasionally sought prior to the formulation of Crown land policies, eg., wild rice, and the settlement policy for the north.

Specific Transactions

Acquisition

With the exception of cultivated lands acquired by the Land Bank Commission, the Department of Agriculture has not been very active in land acquisition during the past few years. Similarly, the high proportion of Crown

land in the Northern Administration District seldom necessitates acquisition procedures to be initiated by the Department of Northern Saskatchewan (no Crown lands have been acquired by DNS in the past three years).

The Lands Branch, Department of Agriculture has, however, acquired lands for other agencies. In general, requests for services of this nature originate from agencies only occasionally involved in the acquisition of land. In general, departments having significant land acquisition responsibilities, for example, highways, maintain staff for this purpose.

Use/Change in Use

The Department of Agriculture is responsible for the determination of agricultural land use. Professional agrologists appraise each parcel of land and subsequently designate its best use. This process frequently involves consultation with wildlife biologists from Tourism and Natural Resources thus allowing a designation or disposition to accommodate a joint use. In the case of a 'joint use' some control over grazing or agricultural use might be required in order to accommodate wildlife interests. To date, multi-use pressures have not been large scale pressures in the province. In general, matters which have arisen have been resolved through inter-departmental discussion.

Land freeze areas are instituted where special features of the land occur or where potential development is possible or expected. Certain lands are also allocated for single uses such as Indian reserves, provincial parks and ecological reserves.

Disposals

As noted earlier, the Department of Agriculture administers a lease program, a Community Pasture program and a sale program. Individual lease agreements exist for land parcels widely varying in size with rental charges based on productivity. At present, a lease term can extend to age 65. Under the Community Pasture Program, the province manages large areas of pasture, charging the user a fee based on a daily rate. The sale program provides for the sale of generally better quality agricultural land. To be eligible to purchase, an individual must have leased the land for a minimum of five years (this provision is subject to review).

The Department of Northern Saskatchewan undertakes various reviews on individual land dispositions. Proposals which will result in considerable impact on the given property and surrounding area such as, mining activities, are subject to a relatively formal review. The Manpower Secretariat of DNS is responsible for negotiating with the mining companies and producing a lease agreement for the site. The Secretariat seeks input on a transaction from a wide variety of sources both within and outside the Department.

Crown lands in the Northern Administration District are sold but mainly within local communities. The province may also turn over whole blocks of land to a community for its administration.

Land leases to northern residents for purposes such as trapping have a duration of ten years. Commercial leases, eg. forestry leases, extend to 21 years.

An attempt is currently being made to avoid issuing residential leases outside of communities. Traditional resource leases, however, are available to qualified trappers and commercial fisherman.

Recreational cottage leasing is permitted in two zones of the NAD. Zone A is located along the southern boundary of the District. Land in this area must be leased in subdivisions with a duration of 21 years. Recreational leases of 21 and ten years duration are available in Zone B for surveyed and unsurveyed lands respectively.

Provincial departments utilize both sale and lease mechanisms to dispose of properties to municipalities. If a small parcel of land is required by a municipality, for example, one or two acres for a well or an easement, the Department of Agriculture will generally lease the property.

In the case of a larger requirement for public use such as a waste disposal site, a sale will be preferred. Sales to municipalities are at fair market value which is determined on the basis of comparable land sales.

In the Northern Administration District, the province will sell properties located within local communities, to the community, for $1.00.

Approximately 100 regional parks have been created in the Province of Saskatchewan. These parks are administered by local autonomous boards who lease the land from Tourism and Renewable Resources for $1.00.

Information Base

In Saskatchewan, records of Crown lands are maintained on a departmental basis. The Department of Agriculture retains a manual record of all the lands it administers. Details on land parcels which are recorded include: type of disposition, terms of the disposition, productivity and changes in acres cultivated.

A project is currently ongoing within Saskatchewan Tourism and Renewable Resources to identify the specific categories of Crown lands administered by the department, for example, provincial parks, provincial forests, regional parks, wildlife areas and protected areas. While some areas such as provincial parks and forests are established by legislation, other categories have been found to overlap. A basic survey system and township plans are utilized by the department. Properties are identified and plotted on a pictoral/visual plotting plan of the lands the department administers.

The Department of Northern Saskatchewan maintains a record of dispositions that are issued on a paper file system. Most leasing information is stored on computer. Updating is conducted on a regular basis, i.e., every few weeks.

FEDERAL GOVERNMENT

Administrative Framework

Federal departments, agencies and Crown corporations are individually responsible for the management and administration of program and accommodation lands assigned them as a result of their respective mandates. This management and administration occurs within the context of government-approved policies, directives and legislation, including the Federal Environmental Assessment Review Process (EARP) the Federal Land Management (FLM) Principle and the Federal Policy on Land Use (FPLU). While certain agencies and crown corporations have been exempted from some of these controls, they are nonetheless expected to follow the spirit and intent of these guiding directives.

Federal Environmental Assessment and Review Process

"The Federal Environmental Assessment Review Office (FEARO) administers the federal Environmental Assessment and Review Process (EARP) which was established to ensure that environmental effects are taken into account as early as possible in planning federal programs, projects and activites. Federal projects are considered to be those that are initiated by federal departments and agencies, those for which federal funds are solicited and those involving federal property. Proprietary crown corporations and regulatory agencies are invited, rather than directed, to participate in the Process.

The federal environmental impact assessment policy was made by Cabinet on December 20, 1973 and was again highlighted in the Government Organization Act of 1979.

The Minister of the Environment was directed to establish, in cooperation with other ministers, a process to ensure that federal departments and agencies:

- take environmental matters into account throughout the planning and implementation of new projects, programs and activities;

- carry out an environmental assessment for all projects which may have adverse effect on the environment before commitments or irrevocable decisions are made; projects which may have significant effects have to be submitted to the Federal Environmental Assessment Review Office for formal review;

- use the results of these assessments in planning, decision-making and implementation.

Environmental assessments are carried out before irrevocable decisions are made that could have an adverse effect on the environment and the results of assessments are used in planning, decision-making and implementation. Federal departments and agencies are obliged to screen their proposals and, if it is found that a proposal may have significant adverse effects, it must be referred to FEARO for a formal review by an independent panel. FEARO establishes a separate panel for each project referred. An environmental impact statement is prepared, based on Panel guidelines and is subjected to full public review. Then, following a study of all the information presented, the panel recommends to the Minister of the Environment what action should be taken. The final decisions are made at the Ministerial level."[1]

It should be noted that the application of EARP normally occurs prior to federal departments advancing land related proposals to Treasury Board for review.

The Federal Land Management Principle

In February 1973, the federal Cabinet decided upon the following policy thrust:

> "... federal lands should be managed so as to combine the efficient provision of government services with the achievement of wider social, economic and environmental objectives."[2]

---

1. Extracted from Environment Canada, Departmental Reference Manual, April 8, 1982 and literature published by the Federal Environmental Assessment Review Office.
2. Canada Treasury Board 1980, "Chapter 110 Real Property - General", Administrative Policy Manual, December, p. 5

To implement and oversee this Cabinet directive, a Treasury Board sponsored committee referred to as the Treasury Board Advisory Committee on Federal Land Management (TBAC/FLM) was subsequently formed. The Committee is chaired by Treasury Board and consists of the following permanent members: Public Works Canada, Environment Canada and the Canada Mortgage and Housing Corporation. The National Capital Commission is also considered a member for the review of properties and issues related to the National Capital Region. All other federal departments and agencies are considered TBAC/FLM members if and when a land transaction which affects them is under committee review. In these instances, departmental representatives are encouraged to attend TBAC/FLM meetings and present their viewpoint.

The TBAC/FLM has two primary functions:

(a) "to develop and recommend to the Treasury Board appropriate policies, guidelines, criteria and administrative procedures to implement the principle;

(b) To develop and recommend to the Treasury Board on proposals and submissions for the acquisition, changes in use, and disposal of federal land;"[3]

Originally, one committee dealt with both subjects. Subsequently, in the late 1970's, Treasury Board created a second committee referred to as TBAC/FLM (Policy) which essentially deals with policy items.

The policy group meets only as required (generally one to four times per year) at the request of Treasury Board. TBAC/FLM meetings to review transactions are held every second week or in the case of an urgent situation, as required.

The range of federal land transactions reviewed includes the acquisition, disposal, leasing and letting of properties which are managed by federal departments and programs.

Proposed transactions are placed before the Committee either by Public Works Canada or other federal departments. Proposals are initially circulated

---

3. Ibid, p. 6

to permanent committee members who evaluate them according to their departmental review mechanisms.

Basically, Committee recommendations are attained through consensus. Once a proposal is aired before the Committee, a period of discussion ensues. If it is felt insufficient data has been presented to formulate a recommendation, the sponsoring department(s) will be contacted to solicit further information. In addition, more information may be sought as to the reactions of various components of member departments. Once sufficient information has been made available, the Committee will formulate its recommendation which is then forwarded to Treasury Board for approval. The proposing department is subsequently informed of the decision reached. It should be noted however, that most proposals are dealt with in the meeting at which they are tabled. Those that require further review are normally dealt with at the next bi-weekly meeting of the Committee.

Schedule D corporations, certain other government corporations, National Parks, unalienated Crown lands located in the Territories and Indian reserves are the primary exemptions from this process; however, Cabinet has requested that the management of these lands proceed according to the spirit of the FLM Principle.

On a yearly basis, TBAC/FLM reviews over four hundred transactions. In addition, there are several hundred minor transactions which are cleared administratively, in accordance with an approved exemption clause;[4] such proposals are of insufficient size or interest to warrant becoming an agenda item. These matters, such as rights-of-way, road widenings (which require land from a federal property adjacent to the right-of-way) and a number of leases are routinely considered by Treasury Board and Public Works.

In 1981, the TBAC/FLM requested the Environment Canada representative to assume responsibility for ensuring that any transactions aired before the Committee meet the requirements of the Federal Policy on Land Use (FPLU).

---

4. Ibid, p. 18, 19.

Federal Policy on Land Use

The Interdepartmental Committee on Land (ICL) chaired by Environment Canada co-ordinates the implementation of the FPLU and as well, acts as the co-ordination centre for federal/provincial discussions on land use matters. All levels of government, any non-governmental organizations as well as individuals may seek referral of specific issues or questions of land use through the Minister of Environment to the ICL, or directly to the Chairman of the ICL. If a question concerning the FPLU arose with a TBAC/FLM transaction, that Committee, if required, could seek additional advice from the ICL prior to any decision. The ICL would review the situation and provide recommendations to TBAC/FLM. These could then be incorporated in the decision making process of the transaction. If a province was displeased with the land use aspects of a federal recommendation which had originated from TBAC/FLM, it could direct its concern to the Minister of Environment seeking discussion of such concerns at the ICL. On the ICL, Treasury Board is represented through the Chairman of TBAC/FLM; therefore, all background information on a given transaction could be available for review.

Operational Procedures

For most federal land transactions, Public Works Canada (PWC) acts as an agent for other departments. Crown corporations and Parks Canada, however, utilize their own internal realty organizations as well as some services of PWC.

The establishment of a federal Policy and Expenditure Management System (PEMS) and the accompanying envelope procedures and rules support more effective management of the government's resources. As well, an "Assets Management" thrust has been instituted by Cabinet to encourage more effective management of the government's real property in accordance with the PEMS guidelines. In general terms, the object of "Assets Management" is to promote the active review of the government's real estate assets and to encourage federal departments to dispose of properties which are surplus to the government's need. Under Assets Management, PWC will dispose of surplus properties at their current market value, as established by appraisals.

In the case of heritage properties for which there are no federal requirements, the current market value as established by appraisals would take into consideration heritage values as assigned by the Federal Heritage Buildings Review Office (FHBRO) and the consequent limitations imposed as to what changes, if any, could be made to these properties.

The federal government also derives revenues from the letting of federal Crown properties which can be temporarily released from operational requirements. These properties are normally leased on a short-term basis (one to five years) at current market rates to municipal governments or to the private sector. Depending on the type of property, the particular department's mandate and the law and associated regulations under which the department operates, the rents either flow to the Consolidated Revenue Fund or may be kept by the department and used to off-set operating expenses.

In determining the use of federal Crown lands, federal departments and agencies must consider possible social, economic and environmental impacts of their proposals on the community. Consequently, the federal government works with the community within which the property is located and although not bound by municipal by-laws or zoning, federal departments do seek concurrence of federal proposals from municipal officials.

All TBAC/FLM meetings are conducted in-camera. The Committee does, however, consider the views of the public as captured in transactions which are placed before it by the proponent department or its agent, PWC.

Also, in instances where the general public may have concerns or objections to a particular federal proposal arising from such environmental factors as noise, traffic, smoke emission, hazardous material, conservation areas or other social issues, they may make their concerns known through their local Member of Parliament, through direct representation to the federal Minister concerned, or through the Chairperson of the ICL.

Specific Transactions

Acquisition

The mechanisms by which federal Crown lands are acquired include: lease, purchase, exchange, expropriation, lease/purchase.[5] Property may also be acquired by transfer of administration and control from a provincial government, normally at market value.

Existing criteria and guidelines which restrict the acquisition of lands by the federal government are:

1) availability of capital funding, constraints, cash flow
2) market conditions
3) building density
4) intended use of selected site does not conform to zoning by-laws
5) heritage implications
6) local resistance to federal proposals
7) capability of local municipalities to provide and fund services required
8) economic development policies, plans and priorities of the municipality and province
9) specialized nature of client requirements
10) short-term client requirements[6]

To acquire a property, a department or departmental program must have a requirement consistent with its particular mandate. Such acquisitions should be accounted for in a department's five-year forecast. Alternatively, a special submission is forwarded to Treasury Board justifying the need to purchase a given parcel of land.

---

5. Lease/purchase is a process whereby it is possible through an agreement to have an entrepreneur build a facility for a department which will be leased by that department for a number of years with an option to end the lease term to purchase the property.
6. Property Development, Real Estate Services Directorate, Public Works Canada, personal communication, December, 1982.

In circumstances when two or more federal departments indicate an interest in acquiring a property (surplus or otherwise), such interests are evaluated by Public Works Canada against the following factors:

1) the nature and priority of the program requirements of each interested federal department;
2) the size of the facility required, in order to ensure efficient utilization of the property;
3) the timing and period of requirements (short term or long term);
4) the market value of the property versus the cost of acquiring alternate accommodation;
5) the achievement of wider social, economic and environmental objectives.[7]

The analysis of these factors would be carried out by the Regional Office of PWC. Occasionally, however, additional information is obtained by PWC Headquarters through contact with the Headquarters of other departments. Public Works Canada would then develop a recommendation on the matter for the consideration of the TBAC/FLM.

Use/Change in Use

In accordance with Treasury Board Administrative Policy, federal departments are required to periodically review the use of the lands of which they have administration and control or right to use. These reviews address the use of land from the viewpoint of two fundamental objectives:

1) the efficient fulfillment of the requirement and through this the efficient provision of government services, and
2) the efficient use of federal real property and the achievement of wider social, economic and environmental objectives.

The FLM Principle does not specify the periodicity of these reviews. Some departments conduct frequent reviews (perhaps once per year) while others do them only when required, e.g., when requested by the Auditor General.

---

7. Ibid

The Area Screening Canada (ASC) Program established by PWC, as agent for the Treasury Board, is responsible for the review of federal land holdings on a regular cycle and to identify those lands with an apparent potential for improved use.

TBAC/FLM reviews and authorizes the implementation of each annual program of ASC studies. Advance notice of each ASC study is provided by TBAC/FLM to departments having administration and control or right to use of real property within the study area. PWC consults with departmental headquarters officials before starting each study. Draft reports are discussed with departmental officials at regional and headquarters levels. TBAC/FLM reviews each ASC report and makes its comments as appropriate in consultation with affected departments who are invited to attend the review meeting or to submit their views in writing. The ASC report and TBAC/FLM comments which are provided to departments after necessary revisions have been made, constitute a reporting and evaluation system available to support departments in the management of their real properties. ASC studies are carried out on a five-year cycle with a follow-up each year on properties which appear to have potential for improved use. Ad hoc reviews of specific parcels of land may also be initiated by TBAC/FLM with the concurrence of the department having administration and control or right to use of the land, when particular opportunities for improved land use are identified.

Where an apparent potential for improved use of land has been identified by a departmental or ASC review, departments are expected to seek out ways and means of bringing about a better use. The property might continue in its present use and, at the same time, be applied to additional uses. Alternatively, its present use might be discontinued and replaced by a new one.

Departments are also expected to review their current and forecast program requirements as they go about examining alternative use options. If no additional use is found, departments then consult with PWC to determine whether the search for an improved use should (a) be pursued in or outside the federal government, or (b) be terminated. In the former case, PWC and the department concerned jointly develop and propose to the TBAC/FLM a plan to achieve an improved use. Such a plan could involve the disposal of the property or part

thereof by letting, sale or other means but it should contain provisions for the continued fulfillment of the existing requirements.

Disposal

Once a user department determines that a property is no longer required by it, that department notifies PWC that a certain property is "excess" to its needs. A notice of Excess Crown Property is then circulated to all federal departments and agencies. A response is normally expected within thirty days. If, within the thirty day time period, a department indicates that it requires a longer period of time to study the feasibility of using the property, it may request an extension of time. Usually, however, this does not exceed 60 days, unless it is a very complex study and additional time is required to complete a feasibility study. If there is no federal interest indicated at the end of the circularization period, then the property(s) in question is now considered "surplus", and the province involved is contacted to determine if (a) it has any interest in acquiring the property at market value, or (b) any particular plans, programs or priorities which might have an impact on federal plans for disposal. If there is no interest at the provincial level, then the municipality is contacted in order to ascertain its plans, programs, priorities or possible interest in acquiring the property at market value. Failing any interest at those three levels, the property would then be offered to the private sector by public tender call.

Surplus Crown lands in which municipalities have expressed an interest are offered to municipalities at their current market value as determined by appraisals.

Crown lands which are not immediately required for operational needs but which are retained in federal inventory to satisfy some future long term requirements are sometimes leased to municipalities on a short-term basis (one to five years).

As a general rule, the federal government seeks full market value based on an appraisal of highest and best use when disposing of surplus properties. In some instances involving 'heritage' properties, appraisals take into consideration heritage aspects which may result in a lower value than if

the property had been appraised as of its highest and best use. In some cases, a PWC condition of sale would include a caveat requiring the protection and/or restoration of heritage aspects. Failure by the purchaser to comply with such specific conditions, or alternatively, should the purchaser attempt to dispose of the property, the federal Crown would have the right to re-acquire the property at the same price for which it was sold.

Market value is determined by appraisal according to the following PWC guidelines:

1. For the acquisition of properties valued under $75,000 one appraisal is conducted by PWC/RES.
2. For the acquisition of properties valued over $75,000 two appraisals are conducted (one of which must be by an independent real estate fee appraiser).
3. Prior to the disposal of Surplus Crown properties by public tender call, one appraisal is conducted either in-house or by an independent fee appraiser.
4. Prior to the disposal of Surplus Crown properties valued up to $75,000 by negotiated sale, one appraisal is conducted either in-house or by an independent fee appraiser.
5. Prior to the disposal of Surplus Crown properties valued over $75,000 by negotiated sale, two appraisals are conducted (one of which must be by an independent real estate fee appraiser).

Information Base

Public Works Canada is responsible for maintaining the Central Real Property Inventory (CRPI). Departmental property managers complete an information card for each land holding which is then transmitted to PWC who in turn, convert this information to computerized record.

The inventory includes a record of the real property holdings of the federal government by department or agency, by province, by constituency and by asset classification. Details which are recorded regarding land holdings include acreage/hectareage, date of original acquisition, types of buildings on the property, date of the last acquisition and whether the property is leased or owned outright.

Annual update of the inventory is required although PWC updates the inventory on a monthly basis based on inputs received from departments throughout the year. The department prepares and distributes a reprint of the inventory in April of each year with intermediate issues as required. It also provides an information service either in response to particular requests or periodically by prearrangement.

The Department of the Environment maintains the Canada Land Data System (CLDS) which contains information on rural lands including geographic, physical, biological, socio-economic, land use and land capability information. Nearing completion is a federal land mapping project whose data is derived, in part, from the CRPI which will enable analyses to incorporate the spatial dimension to federal land information. In turn, this information should be able to be linked with a wide range of other spatial land data bases. Both spatial and numeric outputs are expected to extend the utility of the CRPI data base. Currently requests for information from the federal land mapping project are manually processed, pending its complete computerization. Once operational, the information should be available via remote terminals. The addition of the spatial dimension to federal land information is expected to contribute substantially to the process of land use and real property decision-making.

SELECTED BIBLIOGRAPHY

Since there exists a paucity of published literature that provides details on Crown land management, this short selected bibliography should be of assistance to those pursuing this topic area.

Canada. Environment. 1978. Federal Lands: Their Use and Management, Land Use in Canada Series No. 11, Lands Directorate, March.

Canada. Environment. 1980. Department of the Environment Role in the Federal Environment Assessment and Review Process, June.

Canada. Environment. 1980. The Report of the Interdepartmental Task Force on Land Use Policy, Lands Directorate.

Canada. Public Service Commission. Treasury Board Secretariat and Management Training Programme. 1981. The Design of Government Policy Agencies: Do We Learn From Experience? by R.W. Crowley.

Canada. Public Works. Real Estate Services Division. 1979. Central Real Property Inventory Manual, June.

Canada. Supply and Services. 1981. Federal Policy on Land Use.

Canada. Treasury Board. 1980. Administrative Policy Manual, "Chapter 110 Real Property - General, Chapter 112 Real Property - Acquisition, Chapter 115, Real Property - Use, Chapter 118 Real Property - Disposal". June.

Canada. 1962. Report of Royal Commission on Government Organization. 5 vols. Ottawa: The Queen's Printer.

Canada. 1969. Report of the Task Force on Housing and Urban Development. Ottawa: Queen's Printer.

Canada. 1978. Report of Standing Committee on National Finance on The Accommodation Program of the Department of Public Works.

Canadian Council of Resource and Environment Ministers. 1972. The Administration of Crown Lands in Canada, Montreal.

Cutler, Maurice. 1975. "Foreign Demands for Our Land and Resources", Canadian Geographical Journal, April, pp. 4-19.

Hoffman, Doug. 1981. "The Role of the Lands Directorate", Plan Canada, June, pp. 59-61.

LaForest, Gerard V. 1969. Natural Resources and Public Property under the Canadian Constitution. Toronto: University of Toronto Press.

Lash, Harry. 1981. "Review of Federal Task Force Report on Land and Federal Policy on Land Use." Plan Canada, June, pp. 64-66.

Lithwick, N.H. 1970. Urban Canada: Problems and Prospects. Ottawa: Central Mortgage and Housing Corporation.

Roberts, Neal Alison., ed. 1977. The Government Land Developers, Studies of Public Land Ownership Policy in Seven Countries. Toronto: D.C. Heath Co.

WORKING PAPERS SERIES

No. 1: "The Ecology of Reclamation of Land Disturbed by Mining: A Selected Bibliography". I.B. Marshall. En 73-4/1. ISBN 0-662-50724-X.

No. 2: "Analysis of the United States Experience in Modifying Land Use to Conserve Energy". W.R. Derrick Sewell and Harold D. Foster. En 73-4/2E. ISBN 0-662-10867-1.

No. 3: "The Influence of Exurbanite Settlement on Rural Areas: A Review of the Canadian Literature". James D. McRae. En 73-4/3E. ISBN 0-662-11085-4.

No. 4: "The Land Impact of Federal Programs in the Cowichan Valley Regional District, British Columbia". Lorna R. Barr. En 73-4/4E. ISBN 0-662-11086-2.

No. 5: "The Impact on Agricultural Land Use of Federal Policies and Programs in Kings County, Nova Scotia". S.G. Ryle and P. Gervason. En 73-4/5E. ISBN 0-662-11087-0.

No. 6: "Energy Conservation Through Land use Planning: A Synthesis of Discussions at a Symposium held in Montreal 26-28 March 1980". W.R. Derrick Sewell and Harold D. Foster. En 73-4/6E. ISBN 0-662-90812-0.

No. 7: "Assessment Procedures in Canada and Their Use in Agricultural Land Preservation". James D. McCuaig and Heather J. Vincent. En 73-4/7E. ISBN 0-662-11089-7.

No. 8: "The Effects on Land Use of Federal Programs in the Windermere Valley". J.D. McCuaig and E.W. Manning. En 73-4/8E. ISBN 0-662-11117-6.

No. 9: "Issues in Canadian Land Use". E.W. Manning. En 73-4/9. ISBN 0-662-51142-5.

No. 10: "The Development of an Ecological Sensitivity Rating for Acid Precipitation Impact Assessment". Background Paper on Results of a Meeting on LRTAP Sensitivity Indices, Canada/United States Impact Assessment Working Group, Detroit, Michigan, December 2, 1980. D.W. Cowell, A.E. Lucas and C.D.A. Rubec. En 73-4/10E. ISBN 0-662-11451-5.

No. 11: "The Land Use Impacts of Small Craft Harbours: A Preliminary Investigation". J.D. McCuaig, E.W. Manning, V.P. Neimanis and E.M. Peterson. En 73-4/11E. ISBN 0-662-11453-1.

No. 12: "Land and the Automobile: A Selected Bibliography". Wendy Simpson-Lewis and Ruth McKechnie. En 73-4/12. ISBN 0-662-51259-6.

No. 13: "The Agricultural Use of Marginal Lands: A Review and Bibliography". K.G. Beattie, W.K. Bond and E.W. Manning. En 73-4/13E. ISBN 0-662-11454-X.

No. 14: "Land Use Classification Systems: An Overview". Robert C. Scace. En 73-4/14E. ISBN 0-662-11434-5.

No. 15: "Survey of User Requirements for Land Use Data: Canada Land Use Monitoring Program". D.M. Gierman. En 73-4/15E. ISBN 0-662-11435-3.

No. 16: "Problems in Mapping Non-productive Woodland using the CLI Present Land Use Classification in Halifax County, Nova Scotia". Peter N. Duinker. En 73-4/16E. ISBN 0-662-11436-1.

No. 17: "Land Use Classification for Land use Monitoring". D.M. Gierman. En 73-4/17E. ISBN 0-662-11439-6.

No. 18: "Literature Review and Anotated Bibliography on the Earth Science of the Hudson Bay Lowland". D.W. Cowell. En 73-4/18E. ISBN 0-662-11539-2.

No. 19: "Characteristics of Terrestrial Ecosystems Impinged by Acid Precipitation Across Canada". C.D.A. Rubec. En 73-4/19E. ISBN 0-662-11562-7.

No. 20: "An Inventory of Federally Maintained Land Data. A. Petch and S. Macenko, 1982. En 73-4/20E. ISBN 0-662-11880-4.

No. 21: "The Impact of Federal Activities on Fruitland Use: Annapolis Valley." Paul D. Bircham, 1982. En 73-4/21E. ISBN 0-662-11959-2.

No. 22: "The Impact of Exurbanite Settlement in Rural Areas: A Case Study in the Ottawa-Montreal Axis". James D. McRae, 1981. En 73-4/22E. ISBN 0-662-11788-3.

No. 23: "A Method to Assess the Implications of Future Urban Expension on Rural Land". Chris Cocklin and Barry Smit, 1982. En 73-4/23E. ISBN 0-662-12058-2.

No. 24: "Area Sampling Strategies in Relation to Land Use Monitoring Needs and Objectives". C.R. Bryant and L.H. Russwurm, 1983. En 73-4/24E. ISBN 0-663-12320-4.

No. 25: "Methods of Preserving Wildlife Habitat". Bill Haigis and Will Young, 1983. En 73-4/25E. ISBN 662-92035-X.

No. 26: "Land Use Change on Wetlands in Southern Canada: Review and Bibliography". P. Lynch-Stewart, J.E. Moore and C.D.A. Rubec. En 73-4/26E ISBN 0-662-12675-0.